


Response Under 37 CFR §1.116
Expedited Procedure
Examining Group 1624

CASE 4-30822A

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IN RE APPLICATION OF

Art Unit: 1624

IMBACH ET AL.

Examiner: Mark L. Berch

APPLICATION NO: 09/927,322

FILED: AUGUST 10, 2001

FOR: 2-AMINO-6-ANILINO-PURINES AND THEIR USE AS
MEDICAMENTS

MS: After Final
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL REJECTION

Sir:

The claims begin on page three. All the rejected and objected-to claims have been re-drafted as claims 25-39. Claims 25, 27, 36, and 37 (each of which contains either the term "hydrocarbon" or "hydrocarbyl") have been amended to introduce a revised definition, as discussed below. Other, minor stylistic changes and corrections to typographical errors have been made.

As discussed in a telephonic interview with Examiner Berch, a revised set of claims is presented which is deemed to overcome the sole basis of rejection. In the amendment, a new term ("interrupted") is introduced. Although the term does not appear in the specification, it is not deemed to be new matter since it is merely being used to resolve a nomenclature issue. The meaning of the claims is not being changed by this amendment. The Examiner has objected to the use of the term "hydrocarbon" (also in its adjectival form) to denote a radical which can contain non-carbon atoms in the chain. In the amended claims this term is defined in two different ways. In the first instance, the radical has the meaning urged by the Examiner. In the second instance, the radical is defined in terms which are fully supported by the specification and which has been accepted by the Office, as evidenced by several patents, the claims of

which are attached. (See: US 6,569,847, col 28, last line to col 29, first line; US 6,554,869, col 27, lines 61-63; US 6,346,526, col 36, lines 65-66; and US 4,638,066, col 38, lines 36-37.) This term is "interrupted by". As used in the patents, the term further defines "alkylene", "polymethylene", and also the equivalent: " $-(CH_2)-$ ", all of which mean a hydrocarbon, i.e., a moiety composed of carbons and hydrogens. It is clear that in these patents the inventors intended to include not only chains purely of Cs and Hs but also those chains containing one or more heteroatoms interposed in the chains. That is exactly the intended meaning herein. As is clear from these patents, the term "hydrocarbon" can have more than one meaning. Besides the meaning urged by the Examiner, it can also mean that a heteroatom is interposed in the chain. Such a meaning is not confusing to one of ordinary skill in the art nor is it inconsistent with the "ordinary" meaning of hydrocarbon. Further, such language has been accepted by the Office, as evidenced by the granting of the attached patents. The language has also clearly been accepted by this Examiner, who is the named Primary Examiner on three of the patents.


It is requested that the amendment, which is deemed to overcome the sole basis for rejection, be entered, that the Final Rejection be withdrawn, and that the case be passed to issue.

Respectfully submitted,

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encl: Four Pats w/claims (total = 9 pages)

Date: 2/6/04


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